United Nations A/HRC/38/9

General Assembly

Distr.: General
3 April 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Bahamas

* The annex is being circulated without formal editing, in the language of submission only.

GE.18-05133(E)

1805133

Please recycle

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-ninth session from 15 to 26 January 2018. The review of the Bahamas was held at the 6th meeting, on 17 January 2018. The delegation of the Bahamas was headed by the Attorney General and Minister of Legal Affairs, Carl Wilshire Bethel. At its 10th meeting, held on 19 January 2018, the Working Group adopted the report on the Bahamas.

2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Bahamas: Chile, Qatar and Senegal.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Bahamas:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/29/BHS/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/29/BHS/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/29/BHS/3).

4. A list of questions prepared in advance by Belgium, Brazil, Germany, Liechtenstein, Portugal, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to the Bahamas through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of the Bahamas stated that, in August 2012, it had reconstituted the Constitution Reform Commission to conduct a comprehensive review of its Constitution and recommend changes. That body had submitted its recommendations in July 2013. Subsequently, a constitutional referendum had been held in June 2016 to address some of the Commission's recommendations concerning gender equality. However, the amendment bills had each been defeated by large margins.

6. In November 2017, it had announced its intent to amend the Bahamas Nationality Act, with a view to promoting gender equality regarding the conferral of nationality upon children.

7. The Bahamas maintained its position on the retention of the death penalty. It continued to recognize its lawfulness as a punishment for the crimes of murder and treason, on a discretionary basis and subject to the conditions laid down in case law.

8. Since the enactment of the Correctional Services Act, 2014, corporal punishment as a disciplinary measure for prisoners had been repealed. Additionally, the Early Childhood Care (National Standards) Regulations, 2015, had been enacted, prohibiting the use of corporal punishment in day-care centres and preschools. At present, the Bahamas still allowed corporal punishment in elementary, secondary and senior school, but only when administered by the Principal or Administrator and subject to stringent rules.

9. The Rome Statute of the International Criminal Court continued to be under active review by the Office of the Attorney General and the Ministry of Legal Affairs.

10. The Bahamas had received a number of recommendations concerning discrimination on the grounds of sexual orientation and gender identity. No formal reports had been lodged of discrimination on the basis of sexual orientation with the Royal Bahamas Police Force, the

Labour Board or the Ministries of Education or Health, indicating that no such cases were before the judiciary.

11. The national community of lesbian, gay, bisexual, transgender, queer and intersex persons had a platform on which members represented their groups in a number of national and regional organizations. Moreover, persons in same-sex relationships were able to avail themselves of the regular protection and remedies available under the law.

12. The Bahamas had signed and ratified the Convention on the Rights of Persons with Disabilities in September 2015. That same month, it had also acceded to two Optional Protocols to the Convention on the Rights of the Child: on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

13. The Bahamas was initiating the necessary steps to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

14. At present, it was not in a position to ratify the first Optional Protocol to the International Covenant on Civil and Political Rights and the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, both of which made provision to receive complaints from persons within the jurisdiction.

15. With respect to accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, it was unable to accede until it was in a position to remove its reservation to article 29 and therefore render the complaints process effectual.

16. Moreover, the Bahamas was not in a position to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, which remained lawful for certain crimes.

17. The Bahamas recalled the establishment, in June 2015, of the National Reporting Cooperation Mechanism. That body, comprised of representatives from nine different government agencies and two persons from civil society, had been successful in drafting a master framework for the scheduling, preparation and submission of the required reports.

18. The Bahamas recalled the submission, in April 2017, of its sixth national report on the Convention on the Elimination of All Forms of Discrimination against Women. Drafts were available for the outstanding reports for several human rights instruments, and the Bahamas committed to submitting most of those reports in the following months.

19. The reports on its implementation of the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography were being drafted.

20. The Special Rapporteur on violence against women, its causes and consequences had visited the country in December 2017. A preliminary report had been shared at the conclusion of her visit. The Bahamas welcomed the final report, which was to be presented to the Human Rights Council at its thirty-eighth session.

21. The Bahamas had tabled the Ombudsman Bill, 2017. The Office of Ombudsman was designed to provide a direct source of relief wherever people had legitimate grievances due to the actions or inactions of the Government or any agency thereof.

22. A Bill establishing the first-ever Integrity Commission had been tabled in the House of Assembly.

23. Moreover, the Bahamas had facilitated Orange Day to commemorate the International Day for the Elimination of Violence against Women to raise awareness about violence against women and girls. It had further observed the 16 Days of Activism against Gender-based Violence, which had been implemented in partnership with several non-governmental organizations (NGOs).

24. The Bahamas provided statistics to illustrate the effectiveness of the Swift Justice initiative: in 2015, 232 matters had been disposed before the Supreme Court — 114 more cases than in 2012.

25. The time frame for presenting a voluntary bill of indictment had been reduced from 344 days in 2012 to 68 days in 2016, a big step towards the end goal of 30 days.

26. In an effort to tackle the backlog of cases, a Backlog Task Force had been established to closely review all outstanding cases and make determinations on how they should proceed. Furthermore, there were 10 criminal courts operating in the Bahamas Supreme Court, up from 6 in 2012.

27. The Office of the Public Defender had been established in January 2017. That body was specifically dedicated to defending the accused and easing the reliance on the Crown brief system.

28. The Witness Care Division was operating under a new system of keeping in regular contact with witnesses and had a defined Witness Care Road Map. Increased protection was in place for witnesses through new witness protection and witness anonymity legislation and policies.

29. With regard to reports of excessive use of force by police officers, the Complaints and Corruption Branch was responsible for investigating complaints made by members of the public against members of the Police Force. Complaints made in 2016 had declined by 11.17 per cent in comparison with 2015. Nevertheless, the Bahamas acknowledged that there were deficiencies in the Complaints and Corruption Branch due to a lack of oversight, and was therefore reviewing that body.

30. The Bahamas was in the process of drafting an amendment to the Bahamas Nationality Act to provide for all minor children of Bahamian males or females, born anywhere in the world, regardless of their parents' marital status, to be granted Bahamian nationality upon application.

31. The Bahamas supported the efforts of all persons who wished to access higher education, inter alia by offering various scholarships. Furthermore, the Bahamas employed "open schooling", complemented by distance education. Under the Ministry of Education, there was a Distance Education Unit in the Learning Resources Section, which sought to enhance education and provide education to all. A percentage of education expenditure was used to promote human rights.

32. The Bureau of Women's Affairs had been upgraded to the Department of Gender and Family Affairs in October 2016 within the Ministry of Social Services and Community Development and its budget had been more than tripled.

33 In February 2016, the Bahamas had approved a national strategic plan to address gender-based violence. The plan covered all forms of violence, as it related to women and girls throughout the country.

34. The Bahamas was aware of the concerns of the Human Rights Council and the treaty bodies with respect to marital rape. It was therefore pleased to report that an amendment to the Sexual Offences Act provided for the offence of "spousal sexual abuse". Although the proposed offence was not labelled as "marital rape", it still had all of the elements of the offence of rape. Marital rape in the context of a subsisting marriage would now be criminalized as "spousal sexual abuse". Consultations were ongoing with a view to criminalizing the issue as a form of "spousal sexual abuse".

35. Since the previous review period, additional buildings had been constructed at the Carmichael Road Detention Centre to alleviate housing and maintenance issues. Moreover, the establishment of a full-time medical facility at the Centre had significantly reduced the spread of such communicable diseases as scabies.

36. Women detainees with children were kept in separate accommodation, in keeping with international standards. In 2014, the Department of Immigration had established a safe house for that purpose outside the Carmichael Road Detention Centre.

37. The immigration (detention centre) regulations, 2018, had been drafted and human rights issues had been enshrined in those regulations. The regulations clearly identified the welfare, privileges and duties of detainees, including, but not limited to, clothing, food, education and religion.

38. The Bahamas was the very first country within the Caribbean region to develop International Civil Aviation Organization machine-readable travel documents for refugees (as defined under the 1951 Convention relating to the Status of Refugees).

39. Amendments to the Immigration Act were being finalized, which would, on the one hand, increase penalties for persons who harboured or employed undocumented workers but which, on the other hand, would also provide clear legal remedies to undocumented migrants by limiting the time frames in which they might be administratively detained by an immigration officer pending deportation.

40. One of the responsibilities of the National Reporting Cooperating Mechanism was to engage with the Vision 2040 National Development Plan. That Plan provided a road map for the country's future development and included a comprehensive policy framework that would guide government decision-making and investment over the next quarter century.

41. The Bahamas concluded by reassuring Council members of its commitment to the promotion and protection of human rights and fundamental freedoms.

B. Interactive dialogue and responses by the State under review

42. During the interactive dialogue, 54 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

43. Armenia appreciated the steps taken by the Bahamas in order to prevent and combat trafficking in persons, in particular awareness-raising activities and victim-protection programmes. It noted the remaining challenges in the area and encouraged the Bahamas to take further measures in that regard.

44. Australia commended the Bahamas for its recent steps aiming at progressing human rights, including to promote gender equality through a constitutional amendment. It remained concerned at the scale of violence — particularly sexual violence — perpetrated against women.

45. Azerbaijan appreciated the measures taken by the Bahamas to implement the recommendations made during the second cycle of the universal periodic review. It noted with appreciation the approach centred on the Sustainable Development Goals that the Bahamas had deployed on measures designed to advance human rights, in particular the Vision 2040 National Development Plan.

46. Barbados noted the significant effort that the Bahamas had made to further strengthen the legal and institutional framework for human rights within its administrative and financial capabilities. It noted the progress made in enhancing protection for children through the establishment of the National Committee for Families and Children. It also noted the efforts made by the Bahamas in approving a national strategic plan to eliminate gender-based violence.

47. Belgium acknowledged that positive steps had been taken by the Bahamas with respect to the implementation of recommendations accepted during its second universal periodic review. It was convinced that further progress could still be achieved to increase the protection of human rights in line with the international human rights treaties.

48. Benin welcomed the diverse measures and initiatives that the Bahamas had taken with respect to the enjoyment of human rights after its previous universal periodic review in 2013.

49. Brazil commended the Bahamas for its commitment to fight corruption and increase transparency in the conduct of public affairs. It recognized the challenges that the Bahamas faced in ensuring the progressive achievement of economic, social and cultural rights, and encouraged the adoption of comprehensive policies in the context of the 2030 Agenda for Sustainable Development.

50. Canada welcomed the positive steps that the Bahamas had taken, including accession to two Optional Protocols to the Convention on the Rights of the Child in 2015 and ratification of the Convention on the Rights of Persons with Disabilities. It recognized the steps that the Bahamas had taken to address gender-specific human rights concerns.

51. Chile congratulated the Bahamas for its normative and institutional advances, such as the establishment of the National Committee for Families and Children. It noted the measures that the Bahamas had taken in order to advance the final ratification of the Convention against Torture.

52. China welcomed the adoption of the Vision 2040 National Development Plan by the Bahamas. It welcomed the social and economic development that had been achieved in the Bahamas as regards education, health, women, children, persons with disabilities, combating violence against women and trafficking in persons.

53. Côte d'Ivoire welcomed the legislative, institutional and administrative reforms made by the Bahamas in order to ensure better protection of human rights. It particularly welcomed the adoption, in 2014, of the Persons with Disabilities (Equal Opportunities) Act. It urged the Bahamas to strengthen legislation to extend full enjoyment of human rights, especially to women, children, migrants and asylum seekers.

54. Cuba underscored the adoption of legislation such as the Persons with Disabilities (Equal Opportunities) Act, 2014, and the amendment to the Justice Protection Act. It recognized advances in gender equality and the human rights of persons with disabilities, among others. It called on the international community to attend to the request of the Bahamas for technical assistance for development and the promotion of human rights.

55. Denmark stressed that ensuring full and effective gender equality and the protection of women and girls against all forms of discrimination were crucial when seeking to advance respect and protection for human rights and must be a key objective also in relation to ensuring socially and economically sustainable societies.

56. Ecuador expressed recognition for the efforts to comply with the recommendations made in the second universal periodic review, particularly to ratify the Convention on the Rights of Persons with Disabilities, adopt the law on persons with disabilities in 2014 and establish a national commission for that group of people. It highlighted the adoption of laws to improve the administration of justice as well as the protection of children, and the results achieved with the Swift Justice initiative.

57. France welcomed the implementation by the Bahamas of the recommendations made in 2013, in particular the ratification of the Convention on the Rights of Persons with Disabilities.

58. Georgia commended the Government for the drafting and enactment of national legislation as recommended during the previous cycle, welcomed the ratification of the Convention on the Rights of Persons with Disabilities, accession to two Optional Protocols to the Convention on the Rights of the Child and the significant steps towards promoting fundamental human rights, including through cooperation with the special procedure mandate holders. It encouraged the Government to impose a de jure moratorium on the death penalty, with a view to its abolishment.

59. Germany commended the Government for its efforts to promote and protect human rights. The accession to two Optional Protocols to the Convention on the Rights of the Child, as well as the ratification of the Convention on the Rights of Persons with Disabilities, were encouraging. Germany remained concerned about a number of human rights issues.

60. Guyana congratulated the Government on the presentation of its comprehensive report to the third cycle of the universal periodic review. It highlighted the country's economic, social and political development and high human development. It congratulated the Bahamas for the progress it had made in advancing gender equality.

61. Haiti took note of the steps taken by the authorities of the Bahamas to improve the living conditions of all of the communities in the country, especially in the area of education.

62. Honduras congratulated the Bahamas for measures taken to implement previous recommendations, in particular the process of legislative reforms in the fields of human rights and education. It welcomed the adoption of the Persons with Disabilities (Equal Opportunities) Act, 2014, which established the integration of persons with disabilities in schools and gave the Ministry of Education responsibility for establishing and maintaining an integrated system of special education for those persons.

63. Iceland welcomed the progress made in the promotion and protection of human rights, including the ratification of the Convention on the Rights of Persons with Disabilities.

64. India welcomed the initiative of the Bahamas in establishing the Office of Ombudsman to provide relief to people who had legitimate grievances against the Government. It underscored the accession to two Optional Protocols to the Convention on the Rights of the Child and the establishment of the National Child Protection Council to ensure protection of the rights of all children.

65. Indonesia welcomed the approval by the Cabinet of the Bahamas for the ratification of the Convention against Torture and the ratification of the Convention on the Rights of Persons with Disabilities. It commended the establishment of the Vision 2040 National Development Plan as a comprehensive policy framework in the field of economics, governance, social policy and the environment.

66. Ireland welcomed the de facto moratorium on the use of the death penalty for a number of years, but was concerned by reports that that practice could be terminated. It encouraged the Bahamas to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. It was concerned about the continued failure by the authorities to amend national law and criminalize marital rape.

67. Israel acknowledged the efforts exerted by the Government in order to address the constant threat of natural disasters and their effect. It commended the measures taken, such as the Persons with Disabilities (Equal Opportunities) Act, 2014, the appointment of the National Committee for Families and Children and the launch of programmes, including "Say No, Then Go".

68. Italy welcomed the commitment of the Bahamas to the universal periodic review and its efforts to protect and promote human rights in the country. It underscored the ratification of the Convention on the Rights of Persons with Disabilities and the accession to two Optional Protocols of the Convention on the Rights of the Child.

69. Jamaica commended the Bahamas for its commitment to improve the quality of life of all its residents, particularly the implementation of measures covering a wide range of issues, including justice, reform and social and economic issues. It also commended the Bahamas for taking full advantage of the technical assistance provided by OHCHR, and noted that the country had submitted all its outstanding reports.

70. Japan appreciated the efforts made by the Government in the country's recovery from natural disasters, the ratification of the Bahamas of the Convention on the Rights of Persons with Disabilities and its strengthening of initiatives in that area, as well as the measures taken that emphasized upholding the principles of the rule of law, democracy and human rights in the country.

71. Maldives welcomed the legislation adopted by the Bahamas to promote and protect the rights of women and children, as well as the measures taken to address gender-based violence and the ratification of the Convention on the Rights of Persons with Disabilities, and encouraged the introduction of a national health insurance scheme.

72. Mexico welcomed the adoption of the Persons with Disabilities (Equal Opportunities) Act, 2014, the efforts made by the Bahamas to establish the Department of Gender and Family Affairs and the strengthening of the system of prosecution and prevention of trafficking in persons, and urged the Government to allocate the necessary budget and human resources for the implementation of that law.

73. Montenegro commended the Bahamas for the improved level of technical cooperation with OHCHR and its commitment to implement the Sustainable Development Goals and encouraged the Government to harmonize its national legislation, as well as strengthen women's rights and gender equality.

74. Morocco commended the constitutional and legislative reforms undertaken and highlighted the efforts under way, particularly in the following areas: human trafficking (especially, women and children), the gender perspective, domestic violence, equality and non-discrimination and the integrated protection of persons with disabilities.

75. Mozambique commended the Bahamas for its political commitment to the promotion and protection of human rights through the ratification of international human rights instruments, welcomed the approval of the national strategic plan in 2016 to address all forms of violence, as well as the Domestic Violence (Protection Orders) Act in 2007.

76. Namibia welcomed the progress made in improving human rights despite the adverse effects resulting from reoccurring hurricanes, commended the Bahamas for the peaceful change of Administration following the national general elections in 2017 and noted with concern that the constitutional referendum did not approve the proposed amendments on gender equality.

77. The Netherlands welcomed the acceptance of most recommendations made during the previous universal periodic review, although it regretted the fact that the Bahamas had rejected all previous recommendations on the establishment of a moratorium on executions or the abolition of the death penalty.

78. Peru welcomed the institutional progress made by the Bahamas in the area of education. It valued the efforts made by the Bahamas to effect constitutional change through the referendum in 2016.

79. The Philippines acknowledged the progress made by the Bahamas, in particular, its efforts at national transformation through the Vision 2040 National Development Plan. It noted the independent and impartial judiciary of the Bahamas in civil matters and acknowledged the country's independent press and judiciary, as well as the functioning democratic political system.

80. The Bahamas noted the reports of alleged widespread violence against women. It had no such information, but out of caution, it undertook to improve monitoring.

81. With respect to the establishment of a human rights institution, the Bahamas was looking carefully at the question.

82. The Bahamas explained that, in the legal framework for migrants, the priority was to avoid the indefinite detention of persons.

83. Regarding gender equality, the Bahamas stressed the need in a democracy to develop the necessary social consensus.

84. As regards human trafficking, the Bahamas was trying to establish direct bilateral relationships with law enforcement agencies in neighbouring countries.

85. The Bahamas noted that the death penalty was an emotive issue. It had been trying to raise the conviction rate, which currently stood at some 70 per cent for murder cases. It was hoped that, over time, the death penalty would no longer be necessary.

86. Portugal welcomed the approval of the national strategic plan to address gender-based violence in 2016 in the Bahamas, as well as the ratification of the Convention on the Rights of Persons with Disabilities and accession to two Optional Protocols to the Convention on the Rights of the Child.

87. The Republic of Korea commended the Bahamas for its efforts to improve access to justice, namely through the Swift Justice initiative. It also welcomed the commitments of the Bahamas to protect the rights of children and persons with disabilities.

88. Senegal congratulated the Bahamas for its progress achieved regarding the recommendations accepted after its previous universal periodic review in 2013. It also welcomed the constitutional referendum on gender equality that the Bahamas had had in June 2016.

89. Sierra Leone commended the Bahamas on its ongoing efforts to implement its Vision 2040 National Development Plan. It commended the Bahamas for the adoption of the Persons with Disabilities (Equal Opportunities) Act, 2014, and applauded the country's efforts to harmonize national legislation with international human rights obligations.

90. Singapore commended the Bahamas for its continued commitment, national efforts and international cooperation to comprehensively combat trafficking in persons. It applauded the legislative and policy measures implemented, including the Criminal Procedure Code

(Amendment) Act, 2017. It applauded the progress made by the Bahamas in advancing the rights of persons with disabilities through the signing of the Convention on the Rights of Persons with Disabilities in 2014. It stated that those measures had helped promote the rights and equal opportunities of all persons with disabilities in concrete ways, including when seeking employment.

91. Slovenia welcomed the ratification of the Convention on the Rights of Persons with Disabilities and accession to two Optional Protocols to the Convention on the Rights of the Child. It noted the willingness of the Bahamas to accede to the Convention against Torture, and to possibly accede to the Rome Statute of the International Criminal Court. It recognized the Government's efforts to facilitate the amendment of the Bahamian Constitution.

92. Spain congratulated the Bahamas for its acceptance of the visits of the special procedure mandate holders, and acknowledged the de facto moratorium on the application of the death penalty. Spain also congratulated the Bahamas for the adoption of the Persons with Disabilities (Equal Opportunity) Act, 2014.

93. Trinidad and Tobago welcomed the signature and ratification of the Convention on the Rights of Persons with Disabilities and the enactment of the Persons with Disabilities (Equal Opportunity) Act, 2014. It also recognized the substantial legislative progress achieved in respect of the access of the Family Islands to services, the administration of justice, the protection of children and addressing gender inequality.

94. Ukraine commended the Bahamas for strengthening its legal framework, inter alia, in the areas of education, health insurance and immigration, creating committees and councils tasked with ensuring children's rights and improving access to justice. Ukraine encouraged the Bahamas to maintain a consistent dialogue with civil society and recognized its high level of human development.

95. The United Kingdom welcomed the national anti-trafficking strategy and action plan and encouraged the Bahamas to increase its efforts to prosecute and convict traffickers. It also urged action to promote gender equality, including preventing discrimination on the grounds of sexual orientation and gender identity, and encouraged the new Government to take steps towards the abolition of the death penalty.

96. The United States was disappointed that many issues noted in the previous review remained unaddressed, such as the restrictions on the human rights of women and of members of marginalized communities. It was also concerned about the backlog in the criminal justice system, resulting in long pretrial detention in overcrowded jails and poor detention conditions.

97. Uruguay encouraged the Bahamas to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Second Optional Protocol to the International Covenant on Civil and Political Rights. It also encouraged the Bahamas to explicitly prohibit all forms of corporal punishment of children.

98. The Bolivarian Republic of Venezuela acknowledged the efforts of the Bahamas to implement the recommendations accepted in the previous review. It also noted that the Bahamas had ratified several international human rights instruments, had achieved a high level of human development and had guaranteed access to basic rights. It further appreciated the efforts made to eliminate violence and discrimination against women.

99. Afghanistan commended the Bahamas for its achievements since the last review. It acknowledged the launching in 2016 of the Bill on Freedom of Information and the commitment of the Bahamas to adequately reflect it in the national legal framework.

100. Algeria congratulated the Bahamas on the ratification of the Convention on the Rights of Persons with Disabilities. Algeria noted with satisfaction that, since the last review, the Bahamas had started a process of legislative reform relating to human rights and education and praised the efforts made in that area.

101. Angola commended the Bahamas for its cooperation with international human rights mechanisms and for its efforts to implement the recommendations from the last review. It

noted that the Bahamas faced numerous challenges, such as trafficking and gender equality, and hoped that the constitutional reform would help tackle them.

102. Argentina commended the Bahamas for the ratification of the Convention on the Rights of Persons with Disabilities.

103. The Bahamas thanked delegates for their questions, observations and recommendations, all of which forced the country to think how it could do things better. There were three key areas: the need to enhance gender-based equality; treatment of children; and efforts to combat human trafficking.

104. The Bahamas explained that its geographical situation as an archipelago with more than 30 different islands posed difficult problems. Notwithstanding, it vowed to do its utmost to be a responsible, productive and proactive member of the international community.

II. Conclusions and/or recommendations

105. **The following recommendations will be examined by the Bahamas, which will provide responses in due time, but no later than the thirty-eighth session of the Human Rights Council:**

105.1 **Building on the existing de facto moratorium on the death penalty, make this moratorium official through ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Ukraine);**

105.2 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and consider the repeal of provisions allowing for the death penalty (United Kingdom of Great Britain and Northern Ireland);**

105.3 **In connection with the recommendation made in the second cycle review of the Bahamas in 2013, ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Afghanistan);**

105.4 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Portugal);**

105.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Germany);**

105.6 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

105.7 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Denmark);**

105.8 **Accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Australia);**

105.9 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Italy);**

105.10 **Sign the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, withdraw the reservations to the Convention's articles 2 (a) and 9 (2) on nationality and move forward with the adoption of a comprehensive strategy to eliminate gender stereotypes (Spain);**

105.11 **Deposit the instrument of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible (Denmark);**

105.12 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (France) (Germany);**

105.13 **Accelerate consultations related to the ratification of the Convention against Torture (Georgia);**

105.14 **Continue taking steps towards the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

105.15 **Continue efforts regarding the ratification of international instruments, particularly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and regarding the human rights protection mechanisms (Morocco);**

105.16 **Accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Rome Statute, as previously recommended (Slovenia);**

105.17 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Belgium);**

105.18 **Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Haiti);**

105.19 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Honduras);**

105.20 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras) (Sierra Leone);**

105.21 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Japan);**

105.22 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sierra Leone);**

105.23 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Belgium);**

105.24 **Ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189) (Benin);**

105.25 **Accede to the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1951 (Côte d'Ivoire) (Haiti);**

105.26 **Consider accession to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Peru);**

105.27 **Ratify the Convention on the Reduction of Statelessness of 1951 (Sierra Leone);**

105.28 **Ratify the Convention against Discrimination in Education (Benin);**

105.29 **Ratify and implement the International Labour Organization Protocol to the Forced Labour Convention, 1930 (No. 29) (United Kingdom of Great Britain and Northern Ireland);**

105.30 **Continue working to implement and report on the conventions and treaties to which the Bahamas is already a party (Cuba);**

105.31 **Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Armenia);**

105.32 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Belgium) (Chile);**

105.33 **With the support of OHCHR, strengthen the national coordination, implementation and reporting mechanism to ensure follow-up to the recommendations received under all United Nations human rights mechanisms (Haiti);**

105.34 **Improve the level of regular reporting to the relevant bodies on the implementation of already accepted core human rights treaties (Montenegro);**

105.35 **Report more regularly to the United Nations treaty bodies, specifically to the Committee on the Elimination of All Forms of Discrimination against Women (Netherlands);**

105.36 **Issue an open standing invitation to the special procedure mandate holders (Ukraine);**

105.37 **Make an open and permanent invitation to all the special procedures of the Council for further progress in human rights (Spain);**

105.38 **Adopt an open, merit-based selection process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);**

105.39 **Implement as soon as possible plans to establish a national human rights institution in compliance with the Paris Principles (Germany);**

105.40 **Step up efforts in establishing a national human rights institution in line with the Paris Principles (Indonesia);**

105.41 **Establish the Office of Ombudsman with A status in accordance with the Paris Principles (Slovenia);**

105.42 **Implement the plans on the establishment of the Office of Ombudsman (Ukraine);**

105.43 **Increase efforts to combat discrimination based on gender and sexual orientation or gender identity (Chile);**

105.44 **Fight discrimination against lesbian, gay, bisexual, transgender and intersex persons (France);**

105.45 **Introduce laws to provide redress to people subject to discrimination based on their sexual orientation or gender identity (Australia);**

105.46 **Take steps to amend the definition of "discrimination" in order to include gender, sexual orientation, gender identity or expression as grounds within it (Israel);**

105.47 **Include same-sex couples in the Domestic Violence (Protection Orders) Act and repeal all provisions that discriminate against persons on the grounds of their sexual orientation (Netherlands);**

105.48 **Eliminate any legal provision that justifies discrimination for any personal issue, including issues of sexual orientation or gender identity, as previously recommended (Spain);**

105.49 **Promote strategies for the mitigation of climate change and adaptation to these changes and disseminate this information throughout the society, especially among children (Haiti);**

105.50 **Continue to take measures to reduce the vulnerabilities that small island States are typically susceptible to, including in terms of environmental issues and natural disasters, in collaboration with the international community (Japan);**

105.51 **Seek the technical and financial support needed to meet its climate change needs (Sierra Leone);**

105.52 **Establish a moratorium on the death penalty, as a step towards complete abolition of this practice (Australia);**

105.53 **Abolish the death penalty (Côte d'Ivoire);**

105.54 **Abolish the death penalty, as a continuation of the de facto moratorium applied by the Bahamas (France)**

105.55 **Impose a countrywide moratorium on the death penalty that immediately halts all sentences and executions, with a view to complete abolition of the death penalty (Iceland);**

105.56 **Take formal steps to abolish the death penalty, including by declaring an official moratorium on its use and by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Ireland);**

105.57 **Consider fully abolishing the death penalty (Italy);**

105.58 **Continue working for the full abolition of the death penalty as a measure aimed at the recognition of the protection of human rights (Mexico);**

105.59 **Establish a formal moratorium on executions and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to abolishing the death penalty (Namibia);**

105.60 **Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal);**

105.61 **Carry out a broad awareness campaign, disseminating different alternatives to the death penalty, with the aim of moving towards its abolition (Spain);**

105.62 **Improve prisoners' detention conditions, health care and nutrition at the Bahamas Department of Corrections in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules (Canada);**

105.63 **Strengthen efforts to prevent and combat trafficking in persons, protect the victims and guarantee their access to medical, social, legal and rehabilitation services, as well as to logistic support (Ecuador);**

105.64 **Adopt a national action plan based on a human rights approach and focused on victims to combat trafficking in persons, based on a baseline study documenting the scope and trends of human trafficking at the national level (Honduras);**

105.65 **Provide adequate and regular financing to service providers and organizations that prevent and combat human trafficking, in order to provide comprehensive assistance (Honduras);**

105.66 **Provide training to security forces, migration officers, prosecutors and judges in order to improve the identification of victims of trafficking and their protection (Israel);**

105.67 **Continue to take measures to raise awareness regarding trafficking in persons and provide support for victims (Japan);**

105.68 **Continue efforts carried out in the fight against trafficking in human beings, particularly regarding the identification of victims and provide support to victims (Morocco);**

105.69 **Continue to expand its measures to prevent trafficking in persons, in particular by improving coordination with NGOs and other relevant government departments (Singapore);**

105.70 **Consider the possibility of carrying out a national reference study in cooperation with all the stakeholders in order to evaluate the scope and trends of trafficking at the national level (Algeria);**

105.71 **Implement legal mechanisms to identify and combat the root causes of trafficking (Angola);**

105.72 **Take urgent measures to investigate and sanction all those involved in the sale and trafficking of children (Argentina);**

105.73 **Continue its efforts to encourage an open climate for a civil society that allows NGOs freedom of speech and association without fear of redress (Philippines);**

105.74 **Step up efforts to adopt legislation concerning freedom of information, in accordance with international human rights standards (Brazil);**

105.75 **Establish a system to administer juvenile justice in line with its obligations under the Convention on the Rights of the Child (Australia);**

105.76 **Create an accurate and transparent online case tracking system, in order to ensure that all criminal defendants are afforded fair trial guarantees and equality before the courts consistent with the international obligations of the Bahamas, and consider release from custody and alternatives to pretrial detention (United States of America);**

105.77 **Continue to promote social and economic sustainable development to lay a solid foundation for its people to enjoy all human rights (China);**

105.78 **Include measures aimed at ensuring transparent, efficient and accountable delivery of public services in its national development strategy (Azerbaijan);**

105.79 **Initiate gender-neutral policies relating to access to education, health, and social services (India);**

105.80 **Continue advancing in the fight against poverty, through the application of its correct social policies in favour of the welfare of its people, particularly the most vulnerable sectors (Bolivarian Republic of Venezuela);**

105.81 **Continue its efforts to strengthen the effective implementation and enforcement of the country's labour laws (Philippines);**

105.82 **Increase access to quality health-care services, particularly in rural zones (Ecuador);**

105.83 **Strengthen maternal health services (Peru);**

105.84 **Accelerate the efforts to ensure that maternal health is improved in the Bahamas, including access to quality care, prenatal care and reproductive health (Afghanistan);**

105.85 **Develop a new constitutional revision project and integrate the relevant issues related to better promotion of human rights (Senegal);**

105.86 **Continue its positive experience of investing significant resources for education while giving particular emphasis to incorporation of international human rights standards into the national education system (Azerbaijan);**

105.87 **Keep up the legislative reform on human rights and education in accordance with international standards on education (Republic of Korea);**

105.88 **Improve its public education and awareness, as well as assess all of its initiatives (Trinidad and Tobago);**

105.89 **Strengthen efforts to increase the protection of domestic workers in collaboration with regional and international partners, as appropriate, including through bilateral programmes in respect of such workers originating from those countries (Jamaica);**

105.90 **Continue to actively implement gender-equality policies to better protect women's rights (China);**

105.91 **Continue measures to guarantee equality between men and women, in accordance with international obligations (Ecuador);**

105.92 **Make legislation on abortion more lenient (France);**

105.93 **Continue efforts to promote gender equality and ensure women's rights and freedoms (Georgia);**

105.94 **Continue the process of constitutional reform to remove gender discrimination in nationality provisions and introduce safeguards to prevent statelessness (Australia);**

105.95 **Continue efforts to strengthen gender equality and eradicate discriminatory practices on gender (Portugal);**

105.96 **Ensure equal rights to women and men, in accordance with its international obligations (Slovenia);**

105.97 **Increase efforts to promote the rights and equality of women, specifically addressing the Bahamas Nationality Act, which discriminates on the grounds of gender (Uruguay);**

105.98 **Take effective measures to ensure gender equality (Angola);**

105.99 **Continue steps towards fighting violence against women by amending, in particular, article 3 of the Sexual Offences Act of 1991, which does not include marital rape or a definition of rape (France);**

105.100 **Adopt effective legal actions to address discrimination and widespread violence against women and implement the strategic plan to address gender-based violence (Germany);**

105.101 **Amend the Sexual Offences Act to criminalize marital rape (Iceland);**

105.102 **Strengthen its legislative and policy framework to ensure women's rights are promoted and protected as a national priority and, in particular, urgently consider amending the Sexual Offences Act to criminalize marital rape (Ireland);**

105.103 **Strengthen efforts to prevent and combat all forms of discrimination and violence against women, by reinforcing the legal framework on the issue, running national awareness campaigns and ensuring comprehensive investigations and prosecutions in cases of domestic violence (Italy);**

105.104 **Combat violence and discrimination against women and girls, including, among other actions, through the implementation of the action plan to address gender-based violence and the evaluation of results (Mexico);**

105.105 **Continue the efforts to overcome the challenges regarding the criminalization of marital rape and combat gender-based violence under the Government's strategic plan 2016 (Republic of Korea);**

105.106 **Pass legislation that would criminalize marital rape (United States of America);**

105.107 **Initiate the process for domestication of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (India);**

105.108 **Prohibit corporal punishment for children in all settings (Namibia);**

105.109 **Consider harmonizing the minimum age for leaving school and the minimum age for employment (Peru);**

105.110 **Implement effective measures to apply the existing legislation to protect children from abuse and neglect (Portugal);**

105.111 **Consider adopting the Model Guidelines for Sexual Offence Cases in the Caribbean Region, which follow internationally accepted best practices for the management of sexual offence cases and offer a rights-based approach to the treatment of complainants and vulnerable witnesses, including children, involved in sexual assault cases (Canada);**

105.112 **Prohibit explicitly, in any environment, corporal punishment of children and carry out awareness-raising campaigns on this topic (Chile);**

105.113 **Bring national legislation on the rights of persons with disabilities into conformity with the Convention on the Rights of Persons with Disabilities (Armenia);**

105.114 **Continue efforts regarding the rights of persons with disabilities (France);**

105.115 **Make comprehensive and effective efforts to continue to implement legislation concerning the rights of persons with disabilities (Guyana);**

105.116 **Modify the Persons with Disabilities (Equal Opportunity) Act in order to incorporate an integrating and rights-based approach to the education of persons with disabilities, recognizing their right to education and encouraging their inclusion in the ordinary education system (Honduras);**

105.117 **Explore all appropriate options to incorporate persons with disabilities into the mainstream education system (Jamaica);**

105.118 **Continue efforts to establish an enabling environment for persons with disabilities in the mainstream education system (Maldives);**

105.119 **Develop a social protection policy for the benefit of persons with disabilities and guarantee their civil, political, economic and cultural rights (Senegal);**

105.120 **Adopt the necessary measures to ensure the effective socialization and implementation of the provisions of the Persons with Disabilities (Equal Opportunities) Act (Singapore);**

105.121 **Advance the promise of drafting a law on inclusion in education for persons with disabilities based on rights (Spain);**

105.122 **Pass comprehensive anti-discrimination legislation that would protect the human rights of all, including lesbian, gay, bisexual, transgender and intersex persons and members of ethnic minority groups (United States of America);**

105.123 **Strengthen measures aimed at the protection of minorities and indigenous peoples (Benin);**

105.124 **Continue to make concrete efforts to protect migrants seeking employment from exploitation and trafficking (Guyana);**

105.125 **Review its national legislation in order to apply alternative measures to the deprivation of freedom in managing migration (Honduras);**

105.126 **Ensure that the rights of migrants and refugees are guaranteed (Italy);**

105.127 **Strengthen the framework to protect the processing of migrants, refugees, asylum seekers and suspected trafficking victims, building on existing platforms and with appropriate assistance from the international community (Jamaica);**

105.128 **Establish legislation to regulate the care of migrants and asylum seekers, in accordance with international human rights standards on the matter (Mexico);**

105.129 **Engage in data collection and sharing as they relate to migration (Trinidad and Tobago);**

105.130 **Take the necessary measures to ensure a dignified welcome for migrants in an irregular situation intercepted at sea, as well as asylum seekers (Algeria);**

105.131 **Ensure that its detention and treatment of migrants conform with its obligations under international human rights law and the Convention relating to the Status of Refugees (Canada);**

105.132 **Develop alternatives to detention for asylum seekers and refugees, as well as ensure that any restriction on their freedom of movement is applied under circumstances in which it is necessary, reasonable and proportionate (Portugal);**

105.133 **Enact asylum and refugee legislation that enables the implementation of its obligations under the Convention relating to the Status of Refugees of 1951 (Republic of Korea);**

105.134 **Apply a human rights-based approach to its immigration policy and abstain from criminalizing irregular migration (Brazil);**

105.135 **Put in place, in cooperation with the Office of the United Nations High Commissioner for Refugees, simplified naturalization procedures to ensure Bahamian citizenship to Bahamian-born children of foreign nationality within a reasonable period of time (Haiti);**

105.136 **Ensure that women are able to pass their nationality to their children on an equal footing with men, including by withdrawing the reservation to article 9 (2) of the Convention on the Elimination of All Forms of Discrimination against Women (Iceland);**

105.137 **Continue enhancing the protection of the rights of the child, in particular to ensure every child's right to nationality and citizenship (Indonesia);**

105.138 **Intensify efforts aimed at addressing the discriminatory provisions in nationality laws (Namibia);**

105.139 **Modify national laws to ensure equal nationality rights and that nationality can be passed on to Bahamian children regardless of whether or not their parent was born in the Bahamas after 1973 (Sierra Leone);**

105.140 **Continue efforts to ensure that national legislation adequately guarantees gender equality as it pertains to the conferring of nationality (Trinidad and Tobago);**

105.141 **Take the necessary measures to modify all legislation that denies or restricts the right of national women to transmit their nationality (Argentina).**

106. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of the Bahamas was headed by Senator, The Hon. Carl Wilshire Bethel, Q.C. and composed of the following members:

- Senator The Hon. Carl Wilshire Bethel, Q.C., Attorney General and Minister of Legal Affairs;
- Mr. Frank Davis, Charge d'affaires a.i/Deputy Permanent Representative, Permanent Mission of The Bahamas;
- Ms. Bernadette Butler, Minister-Counsellor, Permanent Mission of The Bahamas;
- Ms. Jewel Major, Chief Counsel, Office of the Attorney General and Ministry of Legal Affairs;
- Ms. Alicia Gibson, Assistant Counsel, Office of the Attorney General and Ministry of Legal Affairs;
- Ms. DeAndra V. Cartwright, Foreign Service Officer, Ministry of Foreign Affairs.